

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Clinical Paper-II
(Professional Ethics and Professional Accounting System)
Semester-IX (Batch: 2011-16)

End Semester Examination: Oct-Nov. 2015

Date: 30th October, 2015

Duration: 2 ½ hours

Max. Marks: 40

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Part-A

Marks

- Q.1 “Law is a noble profession, true; but it is also an elitist profession. Its ethics, in practice, (not in theory, though) leave much to be desired, if viewed as a profession *for the people*. When the Constitution under Article 19 enables professional expertise to enjoy a privilege and the Advocates Act confers a monopoly, the goal is not assured income but commitment to the people — the common people whose hunger, privation and hamstrung human rights need the advocacy of the profession to change the existing order into a Human Tomorrow. This desideratum gives the clue to the direction of the penance of a deviant geared to correction. Serve the people free and expiate your sin, is the hint. (08)

Law's nobility as a profession lasts only so long as the members maintain their commitment to integrity and service to the community. Indeed, the monopoly conferred on the legal profession by Parliament is coupled with a responsibility — a responsibility towards the people, especially the poor. Viewed from this angle, every delinquent who deceives his common client deserves to be frowned upon.....”

The above statement has been quoted from the judgement delivered by Hon'ble Judge V R Krishna Iyer in *V.C. Rangadurai v. D. Gopalan*, (1979) 1 SCC 308. In the light of the above observation, analyze the role of legal profession in establishing rule of law and administration of justice, its issues and challenges citing relevant statutory provisions and case laws.

- Q.2 (a) “Systematic accounting is a prerequisite for professional's income tax accountability.” (4+2=06)
Explain the given statement.
(b) Differentiate between accounting profit and taxable profit.

Part-B

Answer *any three*

(3x7=21)

- Q.3 Any compromise with the law's nobility as a profession is bound to affect the faith of the people in the rule of law and therefore, unprofessional conduct by an advocate has to be

viewed seriously. A person practising law has an obligation to maintain probity and high standard of professional ethics and morality. Analyse and discuss professional misconduct with the help of statutory provisions and case laws.

- Q.4 "Public Interest Litigation is litigation for protecting the interests of the public". Critically analyse the evolution of Public Interest Litigation (PIL) in India. Also, elucidate the role of PIL in judicial activism.
- Q.5 Explain the ingredients of Bar and Bench relationship. Elaborate the duties of the advocates towards the judges. Also explain the contemporary issues related to Bar and Bench relationship.
- Q.6 Explain the types of contempt of court as laid down under Contempt of Courts Act, 1971. Also explain the procedure for contempt proceedings.

Part-C

(2x2.5
=05)

- Q.7 Write short note on **any two** of the followings:
- (a) Certificate of Practice under Certificate of Practice and Renewal Rules, 2014
 - (b) Functions of the Lok Adalats as laid down under the Lok Adalats Act, 1987?
 - (c) Right of Advocate to sue client for fees
